

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 08-62462

KAREN F. BAGLEY,

Chapter 13

Debtor.

Judge Thomas J. Tucker

KAREN F. BAGLEY,

Plaintiff(s),

vs.

Adv. Pro. No. 09-4150

FIFTH THIRD BANK,

Defendant(s). /

ORDER DENYING MOTION FOR RECONSIDERATION

This case comes before the Court on Plaintiff's "Ex-Parte Motion to Reopen Case," filed on March 6, 2009 (Docket # 10), which this Court construes as a motion for reconsideration of, and for relief from, the March 3, 2009 Order dismissing this case (Docket # 9), and

The Court having reviewed and considered the Motion, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

In addition, the Court finds that the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), FedR.Bankr.P. 9024, or any other valid ground for relief from the order dismissing this case.

In addition, the Court notes the following. First, Plaintiff had three separate opportunities

to properly serve the defendant with the summons and complaint, and failed to do so. Second, the order dismissing this case said the case is dismissed without prejudice, so Plaintiff is not barred from filing a new adversary proceeding.

NOW, THEREFORE,

IT IS ORDERED that the Motion should be, and is, DENIED.

Signed on March 26, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge